

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

**JONELL GRAINGER, as personal
representative of the ESTATE OF
JOSHUA TODD FISCHER,**

Plaintiff,

No. 1:18-cv-01093-CL

v.

ORDER

**JOHN ENSLEY; ROBIN KATTER;
DYLAN ROBERTS; CURRY COUNTY;
JOHN WARD,**

Defendants.

McSHANE, District Judge.

Magistrate Judge Mark D. Clarke has filed a Findings and Recommendation, ECF No. 60, concerning the County Defendants' Motion to Dismiss, ECF No. 52, and the State Defendants' Motion to Dismiss, ECF No. 56. The County Defendants have filed Objections to the Findings and Recommendation, ECF No. 62, Plaintiff has filed a Response to County Defendants' Objections, ECF No. 65, and the matter is now before this Court. The Court has reviewed the file of this case *de novo*. 28 U.S.C. § 636(b)(1); *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

The Court has given this matter *de novo* review and finds no error. Accordingly, the Court ADOPTS the Findings and Recommendation. State Defendants' Motion to Dismiss, ECF No. 56, is DENIED. County Defendants' Motion to Dismiss, ECF No. 52, is GRANTED in part and DENIED in part as set forth in the Findings and Recommendation. Plaintiff's first and second claims for relief are DISMISSED. The Court shall retain supplemental jurisdiction over Plaintiff's remaining state law claims.

It is so ORDERED and DATED this 27 day of August, 2019.

s/Michael J. McShane
MICHAEL McSHANE
United States District Judge